

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Marc Saeed Sultana,  Plaintiff,  v.  Tom Wychor and Endeavor Air,  Defendants.	Court File No.: 0:21-cv-2364-JRT-TNL  <b>DEFENDANT WYCHOR'S RULE 12(b)(6) MOTION TO DISMISS</b>
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Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Tom Wychor moves this Court for an Order dismissing Plaintiff's claims against Defendant Wychor for failure to state a claim upon which relief can be granted.

Defendant Wychor's Motion is made and based upon his Memorandum of Law and other documents to be filed in connection with the motion in accordance with Local Rules of this Judicial District and all pleadings and papers on file in this action, together with such additional oral and documentary evidence as may be presented in connection with the hearing on the motion. The claims asserted against Defendants in the Complaint do not provide for individual liability, and therefore Defendant Wychor, an individual, is an improper Defendant, and Plaintiff failed to serve the Summons and Complaint on Defendant Wychor within 90 days of filing, as required under Fed. R. Civ. P. 4(m).

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P. C.**

Date: February 10, 2022

*s/Andrew E. Tanick*

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